

GJR

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAY 30 AM 9:53  
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UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose PALOMARES-Barajas,

Defendant

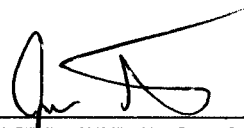
Magistrate Docket No.

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF: DEPUTYTitle 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

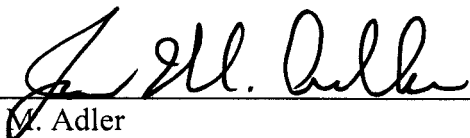
On or about **May 29, 2008** within the Southern District of California, defendant, **Jose PALOMARES-Barajas**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30th DAY OF MAY, 2008



Jan M. Adler  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****Jose PALOMARES-Barajas****PROBABLE CAUSE STATEMENT**

On May 29, 2008, Border Patrol Agent S. Sams was performing his assigned patrol duties in and around the town of Jacumba, California. Jacumba is located approximately 25 miles east of the Tecate, California Port of Entry and is located directly north of the United States/Mexico International Border.

At approximately 11:00 a.m. Agent Sams found footprints that were headed north bound towards Old Highway 80. This area is located just east of the intersection of Carrizo Gorge Road and Old Highway 80. Agent Sams followed the footprints approximately 500 yards north before finding seven individuals attempting to conceal themselves in the brush. Agent Sams identified himself as a United States Border Patrol Agent and performed an immigration inspection. All seven individuals including one later identified as the defendant **Jose PALOMARES-Barajas** admitted to being a citizens and nationals of Mexico without any immigration documents allowing them to enter into or remain in the United States legally. All seven were placed under arrest and transported to the Boulevard Border Patrol Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on May 8, 2008 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.